

**CITY OF SOMERVILLE**  
**ORDINANCE NO. 2009-03**  
**IN THE BOARD OF ALDERMEN: April 23, 2009**

**AN ORDINANCE CREATING SIX NEW ZONING DISTRICTS [TRANSIT ORIENTED DISTRICTS 55 THROUGH 135 (TOD-55, TOD-70, TOD-100, TOD-135), ARTS OVERLAY DISTRICT (AOD), CORRIDOR COMMERCIAL DISTRICT (CCD)], MAPPING THOSE DISTRICTS IN SPECIFIED AREAS OF THE UNION SQUARE/BOYNTON YARDS VICINITY, AND FACILITATING THEIR CREATION THROUGH OTHER CITYWIDE AMENDMENTS**

WHEREAS, Union Square and Boynton Yards are strategically located districts, proximate to future rapid transit station locations; and,

WHEREAS, it is in the City's best interest to take advantage of the anticipated Federal and State investment in the extension of the Green Line which includes a station in Union Square; and,

WHEREAS, mixed use development contributes to a vibrant business environment and increases street-level activities; and,

WHEREAS, Union Square today has a distinctive character provided by its historic structures, interesting architectural design, small scale, diverse, and pedestrian oriented businesses, and multi-ethnic and mixed income residential population and that character is valued by the community and should be preserved and built upon; and,

WHEREAS, targeted redevelopment has the potential to strengthen the local tax base and create new jobs at a variety of income and skill levels; and,

WHEREAS, Union Square has limited publicly accessible open space and additional opportunities for open space are needed; and,

WHEREAS, opportunities for higher density development in appropriate locations can increase the supply of affordable housing within the City of Somerville; and,

WHEREAS, varied requirements for parking provision constitute one of the greatest barriers to desirable changes of use; and,

WHEREAS, the establishment of an arts district within Union Square will provide cultural, economic and social benefits for all City residents; and,

WHEREAS, previous rezoning attempts have not spurred desired redevelopment of vacant or underutilized land, low-density development, and,

WHEREAS, the City desires to replace incompatible and environmentally unsound uses with appropriate-density, compatible mixed-use development;

NOW THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

1. Article 2: Definitions, Section 2.2 is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

**2.2.11. Artist's Housing Live/Work Space.** ~~Buildings used for living and studio space for persons with professions related to the arts, including but not limited to: painters, sculptors, musicians, architects, actors, and dancers.~~ A building or any portion thereof containing units of at least 750 s.f. in size that is used by the occupant(s) therein for both residential use and Artist Studio Space. Such households must include at least one artist certified by the City of Somerville. Inclusionary Units in Artist Live/Work Space projects will be made available to households in which at least one member is an artist certified by the City of Somerville subject to inclusionary housing income eligibility requirements. Retail sales of art produced on-site that does not take place more than twelve (12) hours per week will be an allowable accessory use.

**2.2.59. Floor area ratio (FAR).** In all zones except TOD and CCD, FAR is the ratio of the net floor area of a building to the total area of the lot it is located upon, except that portion of a structure used as an accessory use child care facility is exempted from the floor area ratio (FAR) calculation, and the allowable floor area of such a structure shall be increased by an amount equal to the floor area of the child care facility up to a maximum of 10%, provided the requirements of M.G.L. Chapter 40A, Section 3 are also met.

In TOD and CCD zones, FAR is the ratio of the gross floor area of a building, excluding the area defined as "Basement", to the total area of the lot it is located upon.

**2.2.66. Height of Building.** The vertical distance measured from the finished grade adjoining an exterior wall of a building to the highest point of roof beams of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

The provisions of this Ordinance governing height of buildings shall not apply to church spires, belfries, cupolas, domes, monuments, observation towers, sky lights, flag poles, ventilators, and penthouses housing mechanical equipment (except as separately provided for in the TOD and CCD) or other architectural elements normally built above the roof and not devoted to human occupancy. When height is expressed in both stories and feet, the specified number of stories is allowed up to the maximum number of specified feet.

**2.2.69. Home Occupation.** An activity customarily carried on inside a dwelling unit, and conforming to the following requirements:

1. Only the residents of the dwelling unit shall conduct the home occupation.

2. The home occupation shall require only customary home equipment.
3. The use, including storage of materials or products, shall be carried on strictly within an enclosed building.
4. There shall be no exterior structural alterations that are not customary with residential buildings, excluding signs as provided for in Article 12.
5. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects shall be prohibited.
6. The home occupation would not be expected to have more than one (1) visitor car at any given time.

A home occupation shall include, but is not limited to: the studio of ~~an artist, musician, photographer or writer~~ a visual artist, craftsman, musician or other performing artist, photographer, or writer; the teaching of not more than four pupils simultaneously; work of a domestic nature, such as dressmaking, millinery, or preparing food for sale; and the office of an architect, landscape architect, sales representative, computer software developer, typist, or word processor where clients generally do not visit the premises to transact business.

Notwithstanding the above definition, the following uses shall not be considered a home occupation: auto or appliance repair; contractor's shop or storage; barber shops; beauty parlors; real estate or insurance offices; commercial stables or kennels; licensed family daycare; an office within a primary residence of an ~~architect~~, engineer, attorney, physician, dentist or other recognized profession; body art establishment.

**2.2.117. Parking Space, off-street.** A ~~nine (9) foot by eighteen (18) foot~~ storage area meeting the requirements of Article 9 located outside the street right-of-way, for one (1) automobile, van, light truck, or other similar vehicle, ~~plus the necessary access space~~, but not intended for use by larger commercial vehicles servicing businesses and uses where a loading bay is required by this Ordinance.

**2.2.118. Parking Space, on-street.** A ~~nine (9) foot by eighteen (18) foot~~ storage area meeting the requirements of Article 9 located within the street right-of-way, for one (1) parked automobile, van, light truck, or other similar vehicle, but not intended for use by larger commercial vehicles servicing businesses and uses where a loading bay is required by this Ordinance.

2. Article 2: Definitions, Section 2.2 is hereby amended to add the following definitions (additions are underlined and deletions are ~~crossed out~~). The definitions shall be numbered in alphabetical order:

**2.2.11.a. Artist Studio Space.** Space used for the creation, production, rehearsal or teaching of any visual art or craft, including but not limited to painting, drawing, graphic design, photography, video, film, sculpture, and pottery; of written works of fiction or nonfiction; or of any performing art, whether for live or recorded performance, including music, dance, and theater, and accessory sales of such art. Activities must conform to the following requirements:

1. The use, including storage of materials or products, shall be carried on strictly within an enclosed building.
2. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect shall be prohibited.
3. Retail sales of art produced on-site that does not take place more than twelve (12) hours per week will be an allowable accessory use.

**2.2.11.b. Arts-Related Uses.** Where the SZO requires “arts-related uses” subject to SPGA approval, any combination of the below uses may apply:

- Artist Live/Work Space
- Artist Studio Space
- Arts-related educational facility
- Crafts-related retail store
- Museum/gallery
- Retail sales of art and arts supplies
- Office of creative design professional (e.g., architect, landscape architect, industrial designer)
- Theater or performance space
- Other *bona fide* arts-related uses, subject to SPGA approval.

**2.2.64.a. Ground Floor.** The lowest floor of a building that is not considered a Basement as defined in Article 2.

**2.2.164.a. Tapering Height.** The height of a building above which any portion of the building must be recessed a prescribed distance (the Upper Level Setback) from the property line.

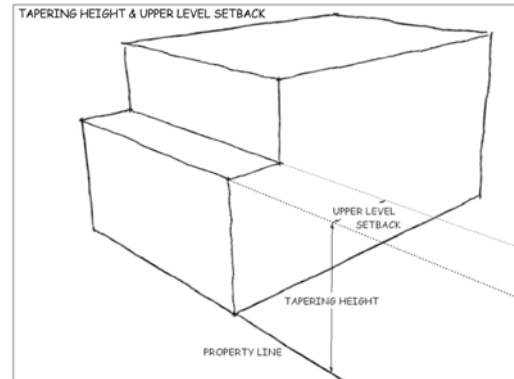


Fig. 2J.1

**2.2.167.a. Upper Level Maximum Floorplate.** The maximum area (in gross square feet) of any floor above a building’s Tapering Height, expressed as a percentage of the lot area.

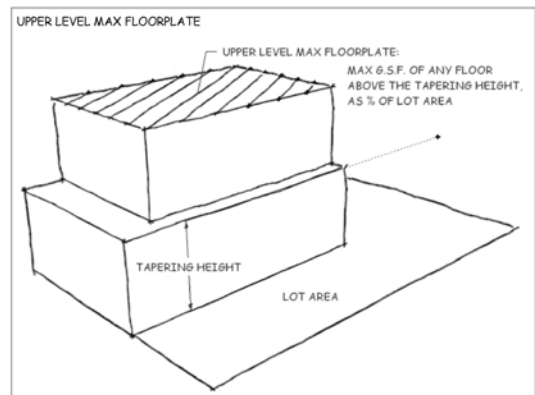


Fig. 2J.2

**2.2.167.b. Upper Level Setback.** The distance that the upper stories of a building (above a designated Tapering Height) must be recessed from the property line.

**2.2.169.a. Use Cluster.** A designated group of Uses that can be interchanged with one another without additional review or change of parking requirements (with exceptions noted).

3. Article 5: Special Permits, Special Permits with Site Plan Review, Site Plan Approval and Variances, Section 5.4 Site Plan approval is hereby amended to add the following. (Additions are underlined and deletions are ~~crossed out~~.)

5.4.1. *Purpose.* The purposes of site plan approval are to provide for public review and approval of:

- 1) Development plans within certain overlay zoning districts of the city where dimensional and design standards are set forth in this ordinance that are different from and supersede standards otherwise applicable to development in the underlying base zoning district; and
  - 2) Subdivisions in all zoning districts. Site plan approval is intended to further the purposes of this Ordinance and those set forth in Section 2A of Chapter 808 of the Acts and Resolves of 1975; and
  - 3) Review of by-right projects in certain underlying districts, as provided in Article 6, such as the Corridor Commercial District and Transit Oriented Districts.
4. Article 5: Special Permits, Special Permits with Site Plan Review, Site Plan Approval and Variances, Section 5.4 Site Plan approval is hereby amended to add the following. (Additions are underlined and deletions are ~~crossed out~~.)

5.4.2 *Applicability.* This section regarding site plan approval is only applicable when specifically referred to elsewhere in this Ordinance as a prerequisite for review and approval of a subdivision in all zoning districts, or for obtaining a building permit or certificate of occupancy with a certain ~~overlay~~ zoning district. ~~In the latter case, a~~ As applied to development in appropriate applicable overlay districts, site plan approval shall be required for all new construction of buildings and structures, exterior alterations, additions, or extensions to buildings, structures and premises, and the establishment of a use or change in use. In all other cases, it shall apply as specified in Article 6 for individual districts.

5. Article 6: Establishment of Zoning Districts is hereby amended to add a new Section 6.1.23, Arts Overlay District (AOD), as follows. (Additions are underlined and deletions are ~~crossed out~~.)

### **6.1.23 Arts Overlay District (AOD)**

#### **6.1.23.A. Purpose.**

The Arts Overlay District (AOD) is established in order to encourage the preservation and enhancement of Arts-Related Uses, particularly within Union Square. The district is also intended to preserve and enhance the area as a center for a variety of retail, business services, housing, and office uses and to promote a strong pedestrian character and scale throughout the district.

#### **6.1.23.B. Conflict in Standards.**

Development in the AOD shall be governed by the underlying zoning except when developing arts-related uses. For projects incorporating Arts-Related Uses and qualifying under Section 6.1.23.F hereunder, certain benefits may be conferred; in the event of conflicts in standards, the standards of this section shall prevail over those of Section 8.5 (Table of Dimensional Standards).

**6.1.23.C. Powers of the SPGA in the Arts Overlay District.**

In the AOD, the Planning Board shall serve as the Special Permit Granting Authority (SPGA) for arts-related uses. The SPGA may approve, approve with conditions, or deny any application after consideration of the criteria set forth in Article 5 of this Ordinance.

There shall be no variances in the AOD except as granted separately by the Zoning Board of Appeals.

**6.1.23.D. Review Requirements for New Development<sup>1</sup> under the Arts Overlay District.**

All new development exercising more permissive dimensional requirements conferred only by the AOD shall meet the review requirements for the underlying district(s) and the following requirements:

1. **Special Permit Uses.** All new development for a *use requiring a Special Permit (SP)*<sup>2</sup> shall be subject to Special Permit with Site Plan Review (SPSR).
2. **By-Right Uses.** All new development for a *by-right use* shall be subject to Site Plan Approval (SPA) under Section 5.4. If some uses in a new development are permitted by right and some are allowed by Special Permit (SP) the entire development shall be subject to SPSR review.
3. **Additional Submission Requirements.**
  - a. Applications for Building Permits or Special Permits shall include an explanation of how the project would meet the “Design Guidelines for Artist Live/Work Space”.
  - b. When an application involves any new development as defined by footnote 1 to Section 6.1.23.D above, a series of axonometric drawings or digital 3-D model must be submitted in addition to the information required for the applicable permits pursuant to Article 5 of this Ordinance. The model must show the proposed development as well as abutting properties.
4. **Alterations to Structures in the AOD.** Alterations to a façade approved under AOD provisions shall require a new Special Permit, with findings giving consideration to the Design Guidelines of Section 6.1.23.G.

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<sup>1</sup> New Development is defined as construction of new building(s), any change in the building footprint or any change to dimensions of an existing building as enumerated in Section 8.5.

<sup>2</sup> See Table 7.11, Table of Permitted Uses.

**6.1.23.E. Use Regulations in the Arts Overlay District.**

1. Land within the Arts Overlay District shall continue to be subject to the use regulations of the underlying district(s) in which it is located, except that certain uses, as outlined in Section 7.11 (Table of Permitted Uses) shall only be allowed, or shall have a lesser review requirement, within the context of the Arts Overlay District.
2. For projects requiring SPSR, Artist Live/Work Spaces shall be clustered within the development to promote collaborative public engagement and art display.
3. In order to ensure the continuation of desired uses, a development that is granted a more permissive dimensional requirement for the provision of specific uses (e.g., Artist Live/Work Space) shall be subject to a deed restriction or other enforceable legal instrument which reflects that the bonus is conditional upon continuation of an arts-related use, in form satisfactory to the SPGA, commencing upon the issuance of a certificate of occupancy for the Development.

**6.1.23.F. Dimensional Requirements in the Arts Overlay District.**

For projects located within the Arts Overlay District and meeting the criteria below, the minimum lot area per dwelling unit and maximum Floor Area Ratio requirements shall be subject to the following dimensional standards, which shall supersede those of Section 8.5.

1. **Residential Districts within the AOD.**
  - a. For a development consisting solely of deed-restricted Artist Live/Work Space within the AOD and a residential base district:
    - i. The minimum lot area per dwelling unit shall be 750 s.f.; and
    - ii. The maximum Floor Area Ratio (FAR) shall be increased by 0.25 above the base district's allowable FAR.
2. **Non-Residential Districts within the AOD.**
  - a. For a development within the AOD and a non-residential base district consisting solely of deed-restricted Arts Related Uses *above the ground floor*:
    - i. The minimum lot area per dwelling unit shall be 750 s.f.; and,
    - ii. The maximum Floor Area Ratio (FAR) shall be increased by .25 above the base district's allowable FAR.
  - b. For development within the AOD and a non-residential base district consisting of 100% deed-restricted Arts Related Uses:
    - i. The minimum lot area per dwelling unit shall be 750 s.f.; and,
    - ii. The maximum Floor Area Ratio (FAR) shall be increased to 0.5 above the base district's allowable FAR.

**6.1.23.G. Design Guidelines in the Arts Overlay District.**

**Design Guidelines.** Projects containing Arts-Related Uses may qualify for certain less restrictive zoning standards, as provided in Section 6.1.23.F. In reviewing such projects the SPGA shall consider the following design guidelines, which supersede those in Section 5.2.4. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and Corridor Commercial District, the Design Guidelines for the Corridor Commercial District under Section 6.1.21-22.H shall apply.

1. Building(s) should complete the streetwall along the primary street edge(s).
2. Massing of the building should be articulated in a manner compatible with the surrounding district, particularly where a building abuts a lot or lots within a residential district.
3. Major building entrances and entrances to retail stores and other sources of pedestrian activity should be oriented to existing public sidewalks and other open space.
4. On-site, off-street parking should be located either at the rear of the lot behind the building or below street level; parking should not abut the primary street edge(s) of the parcel.
5. Access to on-site, off-street parking should be provided from either a side street or an alley; Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum of 25 feet in width.
6. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.
7. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Live/Work Space" produced by the Somerville Arts Council.



6. Article 6: Establishment of Zoning Districts is hereby amended to add Section 6.1.22 Corridor Commercial District (CCD), as follows (additions are underlined and deletions are ~~crossed-out~~):

**Section 6.1.22 Corridor Commercial District (CCD).**

**6.1.22.A. Purpose.**

The Corridor Commercial District is established to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the district are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.

**6.1.22.B. Conflict in Standards.**

Unless otherwise specifically set forth herein, where this Section 6.1.22 specifies some standard or establishes some other requirement contrary to or inconsistent with a requirement elsewhere in this Ordinance, this Section 6.1.22 shall govern. Specifically, the standards of this section shall prevail over the rules governing nonconforming structures in Article 4, Section 4.4, the Permitted Use and Dimensional standards of Articles 7 and 8, and the number of required parking spaces under Article 9, Section 9.5.

**6.1.22.C. Powers of the SPGA in the CCD.**

In the Corridor Commercial District, the Planning Board shall serve as the Special Permit Granting Authority (SPGA). The SPGA may approve, approve with conditions, or deny any application after consideration of the criteria set forth in Article 5 of this Ordinance.

There shall be no variances in the Corridor Commercial District except as granted separately by the Zoning Board of Appeals.

**6.1.22.D. Review Requirements for New Development<sup>3</sup> in the CCD.**

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<sup>3</sup> New Development is defined as construction of new building(s), any change in the building footprint or any change to dimensions of an existing building as enumerated in Section 8.5.

1. **Special Permit Uses.** All new development for a *use requiring a Special Permit (SP)*<sup>4</sup> shall be subject to Special Permit with Site Plan Review (SPSR).
2. **By-Right Uses.** All new development for a *by-right use* shall be subject to Site Plan Approval (SPA) under Section 5.4. If some uses in the development are by right and some are allowed by Special Permit (SP) the entire development shall be subject to SPSR review.
3. **Design Review for All New Development.** All new development must undergo design review under Section 5.6 of this Ordinance, with findings giving consideration to the Design Guidelines of Section 6.1.22.H.
4. **Additional Submission Requirements in the CCD.**
  - a. The Applicant shall indicate in the application the proposed square footage that will be allocated to each Use Cluster and associated parking.
  - b. A conceptual three-dimensional scale model of development(s) at 20 scale (or alternative scale acceptable to the SPGA or its designee) must be submitted in addition to the information required for SPSR and SPA pursuant to Article 5 of this Ordinance. The model must show the proposed development as well as abutting properties. A shadow analysis shall be included. At the discretion of the Planning Director, a series of axonometric drawings may substitute for a physical or digital model.
5. **Alterations to Structures in the CCD.**
  - a. Alterations to an existing or approved façade other than a one-for-one replacement of signage within the same sign footprint and using the same sign technology shall require a new Special Permit, with findings giving consideration to the Design Guidelines of Section 6.1.22.H.
  - b. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right. Any other change in signage shall require a Special Permit.
6. **Outdoor uses in the CCD.**
  - a. Certain accessory uses may be conducted outdoors through a Special Permit (SP) without requiring additional parking. Such a permit may only be granted for outdoor display or operation during approved business hours, for Use Clusters B, C, D, and G, as listed in Section 7.13 Table of Use Clusters. No such permit shall be granted for storage of materials or permanent display, nor for greater than 5,000 square feet of a single use.

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<sup>4</sup> See Table 7.13, Table of Use Clusters.

**6.1.22.E. Use Regulations in the CCD.**

Within the CCD, uses shall be governed according to this Section 6.1.22 and Section 7.13. Uses not expressly authorized in the appropriate Use Clusters are prohibited. Certain uses are permitted by right (up to a certain size) while others require a Special Permit (SP) as shown in Table 7.13. This Section shall not apply to legally nonconforming uses.

The following Use Clusters, as defined in Section 7.13 (Table of Use Clusters), are permitted within the CCD:

<u>A. Office / R&amp;D / Institutional Uses</u>	<u>F. Other Accommodations</u>
<u>B. Small Retail and Service (1,500 net square feet or less)</u>	<u>G. Educational/Recreational Services</u>
<u>C. Large Retail and Service (More than 1,500 net square feet)</u>	<u>I. Other Use</u>
<u>D. Eating and Drinking</u>	<u>J. Protected Uses</u>
<u>E. Residential <sup>(1)</sup></u>	

Note (1): In the CCD, residential uses shall not be permitted on the ground floor facing the “corridor” street(s) except in structures that were historically residential on the Ground Floor. Residential uses may occupy rear portions of CCD structures where they face side streets.

**6.1.22.F. Dimensional and Parking Requirements in the CCD.**

1. Dimensional Requirements are shown in Article 8 (Dimensional Standards), Section 8.5 of this Ordinance, with the exception noted below. The CCD shall not be subject to the footnotes contained in Article 8, Section 8.6.
2. **Historic Development Incentive.** Where applicants can demonstrate that a surviving historic structure with local historic designation originally exceeded the limits of the current dimensional table, the SPGA may allow reconstruction without requiring variances from those standards and without additional parking requirements if the structure is restored to its original design using historically appropriate materials. Such approval must follow the granting of a Certificate for the project by the Somerville Historic Preservation Commission.
3. **Parking.** Parking shall comply with the provisions in Article 9, except that Section 9.17 of this Ordinance shall prevail in the event of conflict with other sections of Article 9.
4. **Bicycle parking.** See Section 9.15 for bicycle access and parking standards.

5. **FAR for Below Grade Floor Area.**

- a) **Basement FAR.** Floor area defined as "Basement" space in this ordinance shall be excluded in the calculation of Floor Area Ratio. (See Article 2, Definitions, "Floor Area Ratio".)
- b) **Linkage.** Basement floor area used for non-commercial purposes (e.g., mechanical equipment, utility rooms) shall be excluded from any linkage requirement.

6. **FAR for Structured Parking.**

- a) **Structured Parking FAR.** At-grade and/or above-grade structured parking shall be included in the calculation of Floor Area Ratio. Below-grade parking shall be excluded in the calculation of Floor Area Ratio.
- b) **Linkage.** The floor area used for accessory structured parking shall be excluded for purposes of calculating linkage. For-profit parking facilities as a primary use will be counted toward any linkage requirement.

**6.1.22.G. Development Standards in the CCD.**

**Development Standards.** All new developments shall meet the following standards:

1. **Penthouses and Mechanical Equipment.** All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at 45 degrees from the vertical, beginning at the maximum height of the building, along all street lines and rear lot line and shall be screened pursuant to Section 10.5.2. Said equipment shall be designed to comply to the City's Noise Ordinance during operation). The first 15 feet in the height of such equipment shall be exempt from the calculation of maximum height; if such equipment is greater than 15 feet in height, the additional height shall count toward the building's height.
2. **Service Areas and Loading Spaces.** Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.
3. **Pedestrian Oriented Requirements.** To promote pedestrian activity, buildings shall be designed with separate front entrance doors to lobbies, cultural spaces, retail and business, and other sources of pedestrian activity. These entrances shall be oriented to existing public sidewalks and other open space (as opposed to a central "mall" entrance).
4. **Lighting.** Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings, and shall enhance safety and security while minimizing glare and light trespass.

5. **Transition to Abutting Residential District.** The minimum side or rear yard setback of a property abutting a residential district (RA, RB, RC) shall be 20 feet with outermost 10 feet of the setback to consist exclusively of vegetative landscaping.
6. **Parking Design.** Refer to Section 9.17 for parking requirements. Parking and loading areas shall be hidden from view from public ways. They may be located at the side or rear of a lot or in concealed structures shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
7. **Payment in Lieu of Parking.** With the approval of the SPGA, the applicant may make either a cash payment in lieu of providing the required parking, or a partial cash payment combined with a partial provision of the required vehicle or bicycle parking. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance. Payment must be made in an accordance with an adopted plan for payment-in-lieu of parking, and must be applied to the nearest planned or existing municipal facility to the site in question.

Such payments shall be made to the City of Somerville. The City shall hold such payments in a stabilization fund dedicated to land acquisition, design, and construction, of municipal parking. This may include repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of parking.

The Rules and Regulations of SPGAs shall be updated not less than every two years and shall designate the In-Lieu Fee for Parking. This shall be reflective of the cost to construct structured parking space in the City and shall be the payment required for each required parking space that will not be provided in the development.

No certificate of occupancy shall be issued unless and until all deeds, covenants, contractual agreements, and other documents necessary to ensure compliance with this Article have been submitted to and approved by the SPGA's designee and the first cash payment has been made. The In-Lieu Fee for Parking shall be paid to the City in no more than three (3) equal annual installments; the first of which will be due upon the issuance of a certificate of occupancy. The remaining payments shall be due and payable annually on the anniversary of the first payment, and non-payment shall be grounds for revocation of certificates of occupancy for a development.

Upon payment of the In-Lieu Fee, the property shall be deemed to possess the number of spaces for which the contribution was made, in addition to any actual on-site spaces.

#### **6.1.22.H. Design Guidelines for the Corridor Commercial District.**

These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting

and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial District, the following CCD Design Guidelines shall apply.

1. Building(s) should complete the streetwall along the primary street edge(s).
2. Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.
3. A transition in height should be established between residential or historically designated properties and new development.
4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2<sup>nd</sup> floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum 75% transparent material, and second floor facades should have a minimum of 40% transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage.
5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.
6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.
7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should

enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

8. Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.
9. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the “Design Guidelines for Artist Housing” produced by the Somerville Arts Council.
7. Article 6: Establishment of Zoning Districts is hereby amended to add Section 6.5, Transit Oriented Districts (TOD), as follows (additions are underlined and deletions are ~~crossed out~~):

## **Section 6.5 Transit Oriented Districts (TODs).**

### **6.5.A. Purpose.**

The Transit Oriented Districts (TODs) have been established in order to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. In response to different neighborhood contexts, TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the Districts shall promote a mix of uses both within buildings and across the districts. Moderate to high-density developments will include commercial, residential, and institutional cores complemented by pedestrian-oriented retail and business services, and in some districts, compatible industrial uses. Parking, where provided, will be housed within structured parking facilities. In a dynamic commercial center, changes in tenancy and use are expected. Therefore, the TODs are designed to be responsive to changing market conditions while maintaining high standards for building design and construction. As such, development review in these Districts is concerned foremost with appropriateness of building design and broad categories of uses. The major purposes are to:

- Facilitate development of a mix of uses that contributes to a vibrant business environment and increases street-level activity;
- Increase real estate investment and strengthen local tax base through intensive commercial development in higher density TOD districts;
- Create new jobs at a variety of income and skill levels;
- Redevelop vacant or underutilized land with appropriately dense development;
- Replace incompatible and environmentally unsound uses with compatible mixed-use development;
- Increase the supply of affordable housing units within the City of Somerville; and,

- Encourage sustainable development and the use of green building standards.

The TOD is divided into sub-districts, which are distinguished by their respective height and density regulations. These regulations are shown in Table 6.5.F. The following sub-districts are designated within TODs:

- TOD-55. This lower-density sub-district allows for mixed-use development opportunities in close proximity to existing lower-density residential neighborhoods. Where mapped in commercial squares, development is anticipated to be a mix of commercial and residential uses. Where mapped on local streets, development is anticipated to be predominantly residential in nature.
- TOD-70. This moderate-density sub-district shall complement nearby existing developments and serve as a gateway to higher-density districts. Pedestrian-oriented uses are often required in this sub-district along major public streets to encourage activity at the street level.
- TOD-100. This moderate-density sub-district shall provide a taller, more commercial core, with opportunities for signature building tops as well as street-level facades that relate to nearby mid-rise development. This sub-district is intended to promote those developments that further the City's stated goals of improving its commercial tax base and bringing good quality jobs to the City. To accomplish these goals, this sub-district should be predominantly dedicated to uses such as office, research and development, and life sciences. Residential development, however, may be allowed provided that it is secondary and complementary to commercial development. Pedestrian-oriented uses are often required in this sub-district along major public streets to encourage activity at the street level.
- TOD-135. This higher-density, taller sub-district shall provide the largest economic development opportunities, while being strategically located to minimize impacts to existing neighborhoods. This sub-district is intended to promote those developments that further the City's stated goals of improving its commercial tax base and bringing good quality jobs to the City. To accomplish these goals, this sub-district should be predominantly dedicated to uses such as office, research and development, and life sciences. Residential development, however, may be allowed provided that it is secondary and complementary to commercial development. To offset higher density, increased provision of public open space is expected in this area.

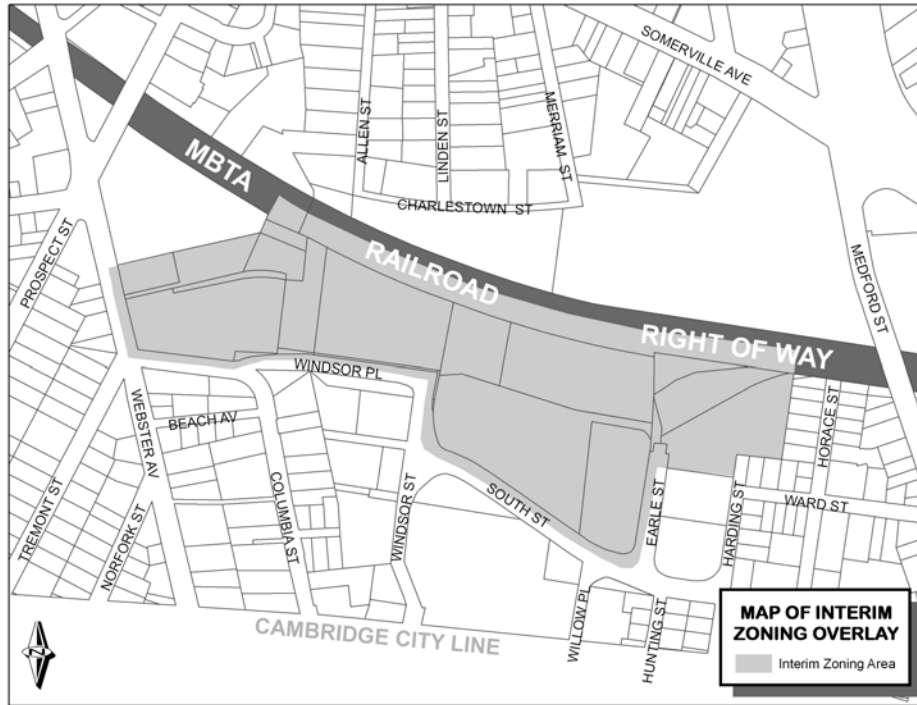
#### **6.5.B. Conflict in Standards**

Unless otherwise specifically set forth herein, where this Section 6.5 specifies some standard or establishes some requirement contrary to or inconsistent with a requirement elsewhere in this Ordinance, this Section 6.5 shall govern. Specifically, the standards of this section shall prevail over the rules governing nonconforming structures in Article 4, Section 4.4, the Permitted Use and Dimensional standards of Articles 7 and 8, and the number of required parking spaces under Article 9, Section 9.5. The Planning Board shall be the SPGA for relief sought under this Section.



**1. Interim Zoning Provisions.** In recognition of the challenges that certain tenants and property owners may face in the transitional period preceding the opening of a Green Line Extension Station in the Union Square/Boynton Yards area, the following interim zoning rules shall apply to designated areas within Transit Oriented Districts (TODs) identified on the Interim Map(s) in this. Prior to the opening of a Green Line Extension Station in the Union Square/Boynton Yards Area:

- a) the SPGA may allow through SPSR surface parking that would not otherwise be permitted, with a condition that all such surface parking be located in structures no more than four years after the opening of the transit station serving said designated area; and,
- b) the SPGA may grant relief in the form of an SPSR for a use, structure, or parking proposal that could have been permitted by right, or by SP or SPSR, under the zoning in effect immediately prior to the adoption of the TOD Zoning, provided the SPGA has made the following findings and imposed the following condition:
  - (1) A finding that the site cannot presently be used under the TOD zoning in a manner that is economically viable, as demonstrated to the reasonable satisfaction of the SPGA by a financial analysis submitted by the Applicant;
  - (2) A finding that the proposed project represents a visual and operational improvement to the property that will increase its marketability and the marketability of the surrounding area; and,
  - (3) A condition that the SPSR expire on the opening date of the transit station serving the designated area, unless the SPGA has, in its sole discretion, granted an extension of the SPSR.
- c) Section 6.5.A.1 authorizing Interim Zoning Provisions shall automatically expire upon the opening of a Green Line extension in the Union Square/Boynton Yards area.



### **6.5.C. Powers of the SPGA in TODs.**

In TODs the Planning Board shall serve as the Special Permit Granting Authority (SPGA). The SPGA may approve, approve with conditions, or deny any application after consideration of the criteria set forth in Article 5 of this Ordinance.

There shall be no variances in TODs except as granted separately by the Zoning Board of Appeals.

### **6.5.D. Review Requirements for New Development<sup>5</sup> in TODs.**

1. **Special Permit Uses.** All new development for a *use requiring a Special Permit (SP)*<sup>6</sup> shall be subject to Special Permit with Site Plan Review (SPSR).
2. **By-Right Uses.** All new development for a *by-right use* shall be subject to Site Plan Approval (SPA) under Section 5.4. If some uses in the development are by right and some are allowed by Special Permit (SP) the entire development shall be subject to SPSR review.
3. **Design Review for All New Development.** All new development must undergo design review under Section 5.6 of this Ordinance, with findings giving consideration to the Design Guidelines of Section 6.5.H.

<sup>5</sup> New Development is defined as construction of new building(s), any change in the building footprint or any change to dimensions of an existing building as enumerated in Table 6.5.F.

<sup>6</sup> See table 7.13, Table of Use Clusters.

**4. Additional Submission Requirements in TODs.**

- a. The Applicant shall indicate in application the proposed square footage that will be allocated to each Use Cluster and associated parking.
- b. A conceptual three-dimensional scale model of development(s) at 20 scale (or alternative scale acceptable to the SPGA or its designee) must be submitted in addition to the information required for SPSR and SPA pursuant to Article 5 of this Ordinance. The model must show the proposed development as well as abutting properties. A shadow analysis shall be included. At the discretion of the Planning Director, a series of axonometric drawings may substitute for a physical model.
- c. LEED (or certified equivalent) checklist and written commitment to produce documentation of LEED plan review certification prior to issuance of a building permit, if applicable.
- d. Transportation Study and Transportation Demand Management Plan, as described in Section 6.5.G.1.
- e. Submission of a Parking Optimization Plan as described in Section 6.5.G.13.

**5. Alterations to Structures in TODs.**

- a. Alterations to an existing or approved façade (other than a one-for-one replacement of signage within the same sign footprint and using the same sign technology) shall require a Special Permit, with findings giving consideration to the Design Guidelines of Section 6.5.H.
- b. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right. Any other change in signage shall require a Special Permit.

- 6. Outdoor Uses in TODs.** Certain accessory uses may be conducted outdoors through a Special Permit (SP) without requiring additional parking. Such a permit may only be granted for outdoor display, dining, or operation during approved business hours, for Use Clusters B, C, D, and G, as listed in Section 6.5.E. No such permit shall be granted for storage of materials or permanent display, nor for greater than 5,000 square feet of a single use.

**6.5.E. Use Regulations in TODs.**

1. Within TODs, uses shall be governed according to this Section 6.5.E, Section 6.5.F and Section 7.13, which shall supersede the remainder of Article 7 of this Ordinance for TODs. Certain uses are by right where others require a Special Permit (SP) as shown in Table 7.13. Uses not expressly authorized in the appropriate Use Clusters are prohibited. This Section shall not apply to legally nonconforming uses.
2. The following Use Clusters, as defined in Section 7.13 (Table of Use Clusters) are permitted within the TOD as specified in Table 6.5.F (TOD Dimensional & Use Standards):

A. <u>Office / R&amp;D / Institutional Uses</u>	F. <u>Other Accommodations</u>
B. <u>Small Retail and Business (1,500 net square feet or less)</u>	G. <u>Educational/Recreational Services</u>
C. <u>Large Retail and Business (More than 1,500 new square feet)</u>	H. <u>Light Industrial</u>
D. <u>Eating and Drinking</u>	I. <u>Other Uses</u>
E. <u>Residential</u>	J. <u>Protected Uses</u>

3. As shown in Table 6.5.F, certain TOD districts (TOD 70, TOD 100 and TOD 135) shall require a minimum dedication of gross floor area to Arts-Related Uses (as defined in Article 2). This requirement shall be subject to a deed restriction or other enforceable legal instrument, in form satisfactory to the SPGA commencing upon the issuance of a certificate of occupancy for the Development; the location of the uses within the development may change over time.
4. As shown in Table 6.5.F a certain percentage of the total residential units in the subject development shall be provided as affordable units as described under Article 13 of this Ordinance.

#### **6.5.F. Dimensional and Parking Requirements in TODs.**

1. Dimensional Requirements shall be governed by Table 6.5.F (TOD Dimensional and Use Standards.)
2. **Parking.** Parking shall comply with the provisions in Article 9, except that Section 9.17 of this Ordinance shall prevail in the event of conflict with other sections of Article 9. See also Development Standards for TODs and Design Guidelines for TODs.
3. **Bicycle parking.** See Section 9.15
4. **FAR for Below Grade Floor Area.**
  - a. **Basement FAR.** Floor area defined as "Basement" space in this ordinance shall be excluded in the calculation of Floor Area Ratio. (See Article 2, Definitions, "Floor Area Ratio".)
  - b. **Linkage.** Basement floor area used for non-commercial purposes (e.g., mechanical equipment, utility rooms) shall be excluded from any linkage requirement.
5. **FAR for Structured Parking.**
  - a. **Structured Parking FAR.** At-grade and/or above-grade structured parking shall be included in the calculation of Floor Area Ratio. Below-grade parking shall be excluded in the calculation of Floor Area Ratio.

- b. **Linkage.** The floor area used for accessory structured parking shall be excluded for purposes of calculating linkage. Parking facilities as a primary use will be counted toward any linkage requirement.

<b>TABLE 6.5.F—TOD Dimensional &amp; Use Standards</b>					
	<u><i>Dimensional and Use Standards</i></u>	<u><i>TOD-55</i></u>	<u><i>TOD-70</i></u>	<u><i>TOD-100</i></u>	<u><i>TOD-135</i></u>
<b><u>A</u></b>	<u><i>Minimum lot size (s.f.)</i></u>	<u>15,000</u> <sup>(6)</sup>	<u>25,000</u> <sup>(6)</sup>	<u>25,000</u> <sup>(6)</sup>	<u>50,000</u> <sup>(6)</sup>
<b><u>B</u></b>	<u><i>Minimum lot area / dwelling unit (s.f.)</i></u>	<u>600</u>	<u>450</u>	<u>450</u>	<u>450</u>
<b><u>C</u></b>	<u><i>Maximum ground coverage (%)</i></u>	<u>80</u>	<u>80</u> <sup>(7)</sup>	<u>80</u> <sup>(7)</sup>	<u>80</u>
<b><u>D</u></b>	<u><i>Landscaped area, minimum percent of lot (%)</i></u>	<u>10</u>	<u>15</u> <sup>(7)</sup>	<u>15</u> <sup>(7)</sup>	<u>20</u>
<b><u>E</u></b>	<u><i>Floor area ratio (FAR)</i></u>				
	<u><i>Minimum FAR</i></u>	<u>N/A</u>	<u>N/A</u>	<u>3.1</u>	<u>3.1</u>
	<u><i>Maximum FAR</i></u>	<u>3</u>	<u>3.5</u> <u>4 Green</u> <u>(1)(2)</u>	<u>3.5</u> <u>4 Green</u> <u>(1)(2)</u>	<u>4.5</u> <u>5.5 Green</u> <u>(1)(2)</u>
<b><u>F</u></b>	<u><i>Maximum height (ft)</i></u>	<u>55</u>	<u>55</u> <u>70 Green</u> <u>(1)</u>	<u>85</u> <u>100 Green</u> <u>(1)</u>	<u>120</u> <u>135 Green</u> <u>(1)(3)</u>
<b><u>G</u></b>	<u><i>Minimum front, side, rear yard (ft)</i></u>	<u>0</u> <sup>(4)</sup>	<u>0</u> <sup>(4)</sup>	<u>0</u> <sup>(4)</sup>	<u>0</u> <sup>(4)</sup>
<b><u>H</u></b>	<u><i>Minimum frontage (ft)</i></u>	<u>50</u>	<u>100</u>	<u>140</u>	<u>140</u>
<b><u>I</u></b>	<u><i>Permitted Use Clusters</i></u>	<u>A, B, C, D, E, F, G, I, J</u>	<u>A, B, C, D, E, F, G, I, J</u>	<u>A, B, C, D, E, F, G, I, J</u>	<u>A, B, C, D, E, F, G, H, I, J</u>
<b><u>J</u></b>	<u><i>Arts Related Uses Requirement</i></u>	<u>none</u>	<u>5% of g.s.f.</u>	<u>5% of g.s.f.</u>	<u>5% of g.s.f.</u>
<b><u>K</u></b>	<u><i>Inclusionary Housing Requirement</i></u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>17.5%</u>
<b><u>L</u></b>	<u><i>Tapering Height (ft)</i></u>	<u>NA</u>	<u>55</u>	<u>55</u>	<u>NA</u>
<b><u>M</u></b>	<u><i>Upper Level Setback (ft)</i></u>	<u>NA</u>	<u>15</u>	<u>25</u>	<u>NA</u>
<b><u>N</u></b>	<u><i>Upper Level Maximum Floorplate (%)</i></u>	<u>NA</u>	<u>NA</u>	<u>36</u>	<u>NA</u>
<b><u>O</u></b>	<u><i>Usable Open Space Requirement (%)</i></u> <u><i>(can count toward landscaping)</i></u> <sup>(5)</sup>	<u>NA</u>	<u>10</u> <sup>(7)</sup>	<u>10</u> <sup>(7)</sup>	<u>15</u>

**Notes:**

1. FAR and maximum height may be increased for certified green buildings pursuant to §6.5.G.2 (**Incentives for Green Building**).
2. Developable square footage shall remain the same when a Development contributes to public infrastructure even when lot size is reduced; pursuant to §6.5.G.3 (**Credit for Provision of Public Infrastructure**).
3. Maximum height may be increased to 150' when minimum open space is dedicated pursuant to §6.5.G.4 (**Credit and Height Bonus for Provision of Dedicated Parkland**).
4. Transition requirements apply for parcels abutting a residential district (RA, RB, or RC) pursuant to §6.5.G.5 (**Transition to Abutting Residential District**).
5. Usable Open Space must comply with the standards set forth in Article 17 of this Ordinance.
6. Minimum Lot Area may be reduced as provided in §6.5.G.18 (**Reduction of Minimum Lot Area**).
7. Amount of Usable Open Space, Landscaping and Ground Coverage may be altered per §6.5.G.9 (**Payment in Lieu of Open Space**).

### **6.5.G. Development Standards for New Developments in TODs.**

All new developments shall meet the following standards:

1. **Transportation Analysis.** Applicants shall provide a Transportation Study and a Transportation Demand Management (TDM) Plan tailored to the proposed site and mix of Use Clusters. The scope of the document will be prepared in consultation with the Director of Traffic & Parking and may include a project description and a description of the existing conditions of the transportation network in the vicinity of the Development Site. The following items may be required as part of a Transportation Study:
  - Counts of existing traffic volumes.
  - Projected traffic volumes for the proposed Development based on accepted engineering standards and adapted to local conditions.
  - Projected size of delivery vehicles, and frequency and days/hours of delivery.
  - Reviews of accident history trends in the vicinity of the Development Site.
  - Analyses of the Development impacts on the transportation network in the vicinity of the Development Site.
  - Examination of transportation by all feasible modes, including automobile, transit, bicycle and pedestrian.
  - Explanation of consistency with City transportation plans.

If the impact analyses indicate that safety or capacity will be adversely affected by the proposed Development, the Applicant will indicate appropriate mitigation measures, subject to the approval of the Director of Traffic and Parking, prior to the granting of a special permit.

2. **Incentives for Green Building.** Buildings certified by the U.S. Green Building Council as LEED Gold or better shall receive the following bonuses (after comparison, the Mayor of Somerville may determine in writing that an alternate sustainable development rating system is equal or better than LEED Gold and that system may be substituted):
  - a) 0.5 FAR increase in the TOD70 and TOD100;
  - b) 1.0 FAR increase in the TOD135; and,
  - c) 15 foot increase in maximum height in the TOD70, TOD100 and TOD135.

LEED (or certified equivalent) Plan Review certification shall be required prior to issuance of a building permit and post-construction commissioning shall be the subject of a condition of approval to receive the incentive.

3. **Credit for Provision of Land for Public Infrastructure.** Where land is to be dedicated to the City of Somerville for public infrastructure (including roadways, sidewalks, public paths, parks, and other public infrastructure), the area of dedicated land shall be applied to calculations of FAR (etc.) and any upper level setbacks shall be measured from the original property line (pre-dedication). All other dimensional standards shall be applied to the remaining parcel.

4. **Credit and Height Bonus for Provision of Dedicated Parkland.** Where a minimum of 40,000 s.f. of land is to be improved and dedicated to the City of Somerville for public open space in the TOD135, a bonus of a 15 foot increase in maximum height (to a maximum of 150 feet) may be granted. The area of dedicated land shall be applied to calculations of FAR and any upper level setbacks shall be measured from the original property line (pre-dedication). Public open space shall not be required on premises, but the maximum residual ground coverage shall not exceed 90% and minimum landscaped area shall not be below 10% of residual lot area. All other dimensional standards shall be applied to the remaining parcel.
5. **Transition to Abutting Residential District.** No minimum side or rear yard setback is required for parcels that immediately adjoin a lot in a residential district (RA, RB, or RC) where a solid masonry wall is to be built on the property line. Where a masonry wall is not proposed, the minimum side or rear yard setback is 20 feet, with the setback to consist exclusively of vegetative landscaping. However, no building or portion of building within 40 feet of a lot in a residential district (RA, RB, or RC) shall be higher than 24 feet.
6. **Upper Level Open Space.** Area within Upper Level Setbacks may be used to provide usable or private open space, including residential balconies, and shall not be counted toward Floor Area Ratio.
7. **Wind and Shadow Effects.** Buildings shall be designed to minimize shadow and wind impacts to open space and residential areas especially between 10 am and 2 pm in the winter. Wind and shadow effects shall be demonstrated in technical studies.
8. **Landscaping and Usable Open Space Requirements.** Developments shall conform to the applicable landscaping requirements set forth in Table 6.5.F, Article 10 and Article 17. Open spaces shall be contiguous to the extent practical in the opinion of the SPGA; however, in certain circumstances it may be preferable to provide Usable Open Space in unique locations, such as atria, winter gardens, and accessible roof decks or gardens. Hours of operation, signage, entrance location, and ADA compliance shall be taken into account when considering whether atria, winter gardens, and roof decks or upper level gardens truly will be accessible to the general public. Landscaping strips required in parking areas (per Article 10) shall not apply to Usable Open Space calculations.
9. **Payment in Lieu of Open Space.** For any new development(s) within the TOD 70 and TOD 100, the SPGA may approve either a cash payment in lieu of providing the required usable open space, or a partial cash payment combined with a partial provision of the required usable open space. SPGA approval should be based on the finding that the proposed development site truly cannot produce open space that would be of a size, location, or configuration that would enhance the community. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance.



Minimum landscaped area and maximum ground cover may be modified by the equivalent area for which an in-lieu payment is made, with a maximum ground coverage allowance of 90% and a minimum landscaped area of 10% of lot area. Any further relief from these requirements shall require a variance.

For payments made in lieu of the Usable Open Space required, the developer must designate, in coordination with the City and the Planning Director, a site to which those contributions shall be applied. Optimally, the open space will be within a quarter-mile of the subject property. Such payments shall be made to the City of Somerville. The City shall hold such payments in a stabilization fund dedicated to land acquisition, design, and construction of public open space in the catchment area defined in the Rules and Regulations of the Special Permit Granting Authorities. This may include repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of public open space.

For each square foot of usable open space for which the cash payment is proposed in substitution, the applicant shall pay:

- The assessed value per square foot of the development parcel (not including buildings) established by the City of Somerville Assessor's Office for the fiscal year during which the applicant has filed for SPSR for said development parcel; plus
- The cost per square foot to design and construct a public park in Somerville (including but not limited to lighting, plantings, paving, and street furniture), as designated in the Rules and Regulations of SPGAs. This number shall be updated not less than every two years and shall reflect the average cost per square foot of city parks in prior years. If the designated park has a specified cost, the actual development costs will apply.

No certificate of occupancy shall be issued unless and until all deeds, covenants, contractual agreements, and other documents necessary to ensure compliance with this Article have been submitted to and approved by the SPGA's designee and all cash payments have been made.

**10. Pedestrian Connections.** Continuous pedestrian connections shall be supported between all major points of pedestrian activity on the Development Site, including, but not limited to, connections to all public and private ways abutting the Development Site and any transit stops. Development(s) shall support improved access to surrounding neighborhoods by means of sidewalk connections, crosswalks, landscaping, traffic signalization and traffic calming methods as appropriate.

**11. Pedestrian Oriented Requirements.** To promote pedestrian activity, buildings shall be designed with separate front entrance doors to lobbies, cultural spaces, retail and business, and other sources of pedestrian activity. These entrances shall be oriented to existing or proposed public sidewalks, paths, and other open space (as opposed to a central "mall" entrance).

12. **Parking Design.** Refer to Section 9.17 for parking requirements. Parking and loading areas shall be hidden from view from public ways. Parking shall not face the street edge(s) of the parcel and shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Parking structures shall contribute to, and not obstruct, pedestrian activity in the vicinity. The exterior facade shall maintain a horizontal line throughout; the sloping interior necessary in parking structures shall not be repeated on the exterior facade. A wall or other screening of sufficient height and depth to screen parked vehicles and visually pleasing character shall be provided. Any views into parking structures shall be minimized through use of landscaping or architectural treatment.
13. **Parking Optimization Plan.** Applications shall include a Parking Optimization Plan illustrating how management and pricing strategies will encourage shared use and reasonable turnover of parking spaces, and discourage structures' use as "Park and Ride" facilities.
14. **Service Areas and Loading Spaces.** Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.
15. **Lighting.** Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings, and shall enhance safety and security while minimizing glare and light trespass.
16. **Properties Adjoining Railroad Rights-of-Way.** Properties directly adjoining railroad rights-of-way shall not be subject to additional City-imposed setbacks. However, any application for a project on such a parcel shall demonstrate coordination with the appropriate rail agency and assume full responsibility for gaining all required permissions therefrom.
17. **Penthouses and Mechanical Equipment.** All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at 45 degrees from the vertical, beginning at the maximum height of the building, along all street lines and rear lot line and shall be screened pursuant to Section 10.5.2. Said equipment shall be designed to comply to the City's Noise Ordinance during operation). The first 15 feet in the height of such equipment shall be exempt from the calculation of maximum height; if such equipment is greater than 15 feet in height, the additional height shall count toward the building's height.

**18. Reduction of Minimum Lot Area.** Where the SPGA makes the following findings, the minimum lot area may be reduced from the requirements of Section 6.5.F:

- a) The applicant has demonstrated that good faith efforts have been made to acquire additional land and have been unsuccessful;
- b) The project would have sufficient lot area to ensure compliance with all other dimensional and development standards;
- c) Quality of usable open space would not be compromised by the reduced lot area;
- d) Design guidelines would not be compromised by the reduced lot area; and
- e) Development of the site may not result in a lost economic opportunity that would have been feasible on a lot meeting the minimum requirement. The reduced lot area may not be used as a justification for a reduced scale of development or for a mix of uses that does not achieve the purposes of the district, including increasing commercial development in appropriate areas.

#### **6.5.H. Design Guidelines for Transit Oriented Districts.**

These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines.

- 1. Building(s) should complete the streetwall along the primary street edge(s).
- 2. Massing and height of the building should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.
- 3. A transition in height should be established where new development adjoins low-rise residential districts or historically designated properties.
- 4. Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2<sup>nd</sup> floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum 75% transparent material, and second floor facades should have a minimum of 40% transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage. (Compliance or noncompliance with this guideline must be documented in plans' dimensional tables.)
- 5. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant

exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

6. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.
7. Signage design should respect buildings' context and be oriented to pedestrians. To add interest and character to the retail environment, variety in size, location and illumination of signs is encouraged.
8. Major entrances should be located on public streets, and at or near corners wherever possible. Entrances should relate well to crosswalks and pathways that lead to bus stops and transit stations.
9. Buildings should have a clearly expressed base, middle, and top. This may be achieved through changes in material, fenestration, architectural detailing, or other elements. Taller buildings should be articulated to avoid a monolithic appearance.
10. The façade below the Tapering Height should exhibit human scale through design elements such as changes in plane, and variety or contrast in form, color, and materials. Architectural elements and setbacks should be used to break up long façades and avoid large areas of undifferentiated or blank building façades.
11. Building elements located above the Tapering Height should be designed to limit impacts from visual massing, obstruction of views, and creation of shadows on public open space, residential districts or public ways. Where practicable, the width and depth of these elements should be limited to 120 feet and where more than one element exists a minimum separation of 50 feet is encouraged, although other means may be more appropriate on odd-shaped lots or lots adjoining highways or railroad rights-of-way.
12. All rooftop-building systems, including wireless communications facilities, should be incorporated into the building form in a manner integral to the building architecture, including screening with materials that harmonize with buildings' exterior finishes.
13. Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.
14. A sidewalk depth of at least fifteen (15) feet from the street curb to building is strongly encouraged for developments fronting major streets.
15. On-site, off-street parking should be accessed from either a side street or an alley. Where this is not possible, vehicular access should be provided through an opening, no wider

than 25 feet in the street level façade of the building. Such entrances should be designed to minimize conflict with pedestrians.

16. Above ground structured parking should be lined with active uses (shops, cafes, etc.) along major public streets. Upper levels and facades along smaller public streets shall be screened and include architectural design elements such as windows, bays, etc. such that the space's use for parking is not immediately apparent. Large horizontal openings are strongly discouraged. Direct pedestrian access to the street and/or to a public area should be provided by all garages serving non-residential uses.

17. Usable Open Space should be located to support public gathering. To the extent possible, usable open space should be designed to appear as an extension of existing public space, through consistency in design and materials. The provision of an interconnected series of open space to support pedestrian movement is encouraged.

18. Installation of public art is encouraged in order to add visual interest and distinguishing features to landscaped or other public areas.

19. Properties abutting the MBTA right-of-way are strongly encouraged to place pedestrian unfriendly uses such as parking, loading, and trash collection along the right-of-way. However, given that the MBTA right-of-way represents a gateway into the City, these facilities shall be screened and the architectural design of façades facing the right-of-way shall be or equal or better quality to façades elsewhere in the building.

20. Utilities and wiring shall be placed below ground. Transformers and trash facilities may also be required to be located underground.

8. Article 7: Permitted Uses, Section 7.11, Table of Permitted Uses, category 6, RECREATIONAL USES, of the Somerville Zoning Ordinance is hereby amended to add a new Line 14 as follows (Additions are underlined and deletions are ~~crossed out~~):

<u>8. Artist Studio Space</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>NB</u>	<u>CBD</u>	<u>BA</u>	<u>BB</u>	<u>IA</u>
a. <u>less than 5,000 s.f. of gross floor area</u>	-	=	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>
b. <u>5,000 s.f. or more of gross floor area</u>	=	=	<u>SPSR</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SPSR</u>	<u>SPSR</u>

<u>8. Artist Studio Space</u>	<u>IB</u>	<u>IP</u>	<u>OS</u>	<u>UN</u>	<u>ASMD</u>	<u>PUD-B</u>	<u>PUD-B1</u>	<u>AOD</u>
a. <u>less than 5,000 s.f. of gross floor area</u>	<u>SP</u>	<u>SP</u>	=	=	<u>SPSR</u>	<u>SPSR</u>	=	<u>Y</u>
b. <u>5,000 s.f. or more of gross floor area</u>	<u>SPSR</u>	<u>SPSR</u>	=	=	<u>SPSR</u>	<u>SPSR</u>	=	<u>SP</u>

9. Article 7: Permitted Uses, Section 7.11, Table of Permitted Uses, of the Somerville Zoning Ordinance is hereby amended to add a new column as follows. (Additions are underlined and deletions are ~~crossed out~~):

	<u>[other districts]</u>	<u>Arts Overlay District (AOD)</u>
3.e <del>Artists Housing</del> <u>Artist Live/Work Space</u> of 6 units or less	<u>[no change]</u>	<u>Y</u>
3.e <del>Artists Housing</del> <u>Artist Live/Work Space</u> of 7 units or more	<u>[no change]</u>	<u>SPSR</u>
<u>[All other uses]</u>		<u>††</u>

††To determine if this use is allowed, see underlying zoning district

10. Article 7: Permitted Uses, of the Somerville Zoning Ordinance is hereby amended to add a new Section 7.13, Table of Use Clusters, as follows (Additions are underlined and deletions are ~~crossed out~~):

### **7.13. Table of Use Clusters.**

In order to provide reasonable flexibility for change among various allowed Uses, approved Developments in certain districts shall be subject to less review when changing between most allowed uses, provided that parking requirements continue to be met.

#### **A. Establishing Use Clusters in New Development**<sup>7</sup>

See review requirements for new development within the zoning district.

1. **By-Right Use Clusters.** Where the total square footage for a proposed Use Cluster is below the by-right allowance threshold indicated in the far-right column in the Table of Use Clusters it shall be allowed by right.
2. **Use Clusters Exceeding the By-Right Allowance.** Where the total square footage for a proposed Use Cluster exceeds the by-right allowance indicated in the far-right column in the Table of Use Clusters, Special Permit with Site Plan Review approval will be required in order to be establish the Use Cluster.
3. **Special Permit Uses.** Certain uses designated with (SP) in the Table of Use Clusters will require Special Permit with Site Plan Review approval in order to be established.

#### **B. Change of Use Within Approved or By-Right Use Clusters.** A use may change to any other use within a single cluster without additional discretionary review, subject to the following limitations and exceptions:

1. Certain uses designated with (SP) in the Table of Use Clusters will require Special Permit approval in order to be established or expanded.

<sup>7</sup> New Development is defined as construction of new building(s), any change in the building footprint or any change to dimensions of an existing building as enumerated in Table 6.5.F.

**C. Change of Uses Between Approved or By-Right Use Clusters.** A Use Cluster may change to any other Use Cluster without additional discretionary review, subject to the following limitations and exceptions:

1. Certain uses designated with (SP) in the Table of Use Clusters will require Special Permit approval in order to be established or expanded.
2. The total square footage for an allowed Use Cluster will not exceed the SPGA approval or the by-right allowance indicated in the far-right column in the Table of Use Clusters. Use Clusters exceeding the approved or by-right allowance will require Special Permit approval in order to be established or expanded.
3. The parking requirements will continue to be adhered to. If parking requirements are not met, relief must be granted to change between Use Clusters. Upon application for building permit or certificate of occupancy to accommodate a change between Use Clusters, the Applicant shall submit to the Superintendent of Inspectional Services a table showing both the square footage allocated to each Use Cluster and associated parking as follows:
  - a. As approved by the SPGA or prior permit;
  - b. As the development is currently configured;
  - c. As proposed.

**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
<b><u>A. Office / R&amp;D Use</u></b>	<u>Office, other than medical</u> <u>Medical office, medical or health clinic</u> <u>Office of veterinarian (may board animals with SP)</u> <u>Laboratory engaged in research, experimental and testing activities which may include the development of mockups and prototypes but not the manufacture of finished products (SP)</u> <u>Radio or television studio without transmitting or receiving towers</u>	<u>15,000 n.s.f</u>
<b><u>B. Small Retail and Service (1,500 net square feet or less per establishment) (If larger, see “Large Retail and Service”)</u></b>	<u>General merchandise, department store, grocery store</u> <u>Store selling items such as:</u> <ul style="list-style-type: none"> <li>- <u>Convenience, grocery goods (such as food, candy, newspaper and tobacco products)</u></li> <li>- <u>Specialty foods (such as candy store, meat market, delicatessen, bakery or coffee shop but not a fast food service) - no more than 15% of gross floor area may be</u></li> </ul>	<u>10,000 n.s.f.</u>

**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
	<p><u>used for seating</u></p> <ul style="list-style-type: none"> <li>- <u>Package liquor, with no consumption of beverages on the premises</u></li> <li>- <u>Goods such as books, stationery, drugs, sporting goods (including bicycles), accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories and the like that are typically of a size a customer can carry by hand</u></li> <li>- <u>Video tapes and DVDs</u></li> <li>- <u>Furnishings (such as furniture, home furnishings, carpets or home appliances and equipment, including audio, computer and video equipment)</u></li> <li>- <u>Supplies (such as office furniture, home improvement equipment or tools)</u></li> <li>- <u>Hardware, paint, wallpaper, lawn and garden supplies</u></li> <li>- <u>Crafts supply store where production may occur on premises</u></li> <li>- <u>Art or art supplies</u></li> </ul> <p><u>Store renting items such as:</u></p> <ul style="list-style-type: none"> <li>- <u>Goods such as books, sporting goods (including bicycles), jewelry, photographic equipment, apparel and the like that are typically of a size customer can carry by hand</u></li> <li>- <u>Video tapes and DVDs</u></li> <li>- <u>Equipment and supplies such as office furniture, home improvement equipment or tools</u></li> </ul> <p><u>Services offered such as:</u></p> <ul style="list-style-type: none"> <li>- <u>Beauty salon, barber shop, tailor, dressmaker, shoe repair</u></li> <li>- <u>Laundry or dry cleaning (self service Laundromat or dry cleaning; pick up station with processing done elsewhere)</u></li> <li>- <u>Laundry or dry cleaning with processing on the premises, provided only non flammable solvents are used for cleaning</u></li> </ul>	



**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
	<ul style="list-style-type: none"> <li>- <u>Real estate sales or rental, travel agency, insurance agency, ticket agency</u></li> <li>- <u>Bank or credit union</u></li> <li>- <u>Photocopying, reproduction and photographic services including commercial photography but not commercial printing</u></li> <li>- <u>Repair of household appliances, small tools or equipment</u></li> </ul>	
<b><u>C. Large Retail and Service (More than 1,500 net square feet per establishment)</u></b>	<p><u>General merchandise, department store, grocery store</u></p> <p><u>Store selling items such as:</u></p> <ul style="list-style-type: none"> <li>- <u>Convenience, grocery goods (such as food, candy, newspaper and tobacco products)</u></li> <li>- <u>Specialty foods (such as candy store, meat market, delicatessen, bakery or coffee shop but not a fast food service) - no more than 15% of gross floor area may be used for seating</u></li> <li>- <u>Package liquor, with no consumption of beverages on the premises</u></li> <li>- <u>Goods such as books, stationery, drugs, sporting goods (including bicycles), accessories, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, apparel, fabrics, accessories and the like that are typically of a size a customer can carry by hand</u></li> <li>- <u>Video tapes and DVDs</u></li> <li>- <u>Furnishings (such as furniture, home furnishings, carpets or home appliances and equipment, including audio, computer and video equipment)</u></li> <li>- <u>Supplies (such as office furniture, home improvement equipment or tools)</u></li> <li>- <u>Hardware, paint, wallpaper, lawn and garden supplies</u></li> <li>- <u>Crafts supply where production may occur on premises</u></li> <li>- <u>Art or art supplies</u></li> </ul> <p><u>Store renting items such as:</u></p> <ul style="list-style-type: none"> <li>- <u>Goods such as books, sporting goods (including bicycles), jewelry, photographic equipment, apparel</u></li> </ul>	<u>5,000 n.s.f.</u>

**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
	<p><u>and the like that are typically of a size customer can carry by hand</u></p> <ul style="list-style-type: none"> <li>- <u>Video tapes and DVDs</u></li> <li>- <u>Equipment and supplies such as office furniture, home improvement equipment or tools</u></li> </ul> <p><u>Services offered such as:</u></p> <ul style="list-style-type: none"> <li>- <u>Beauty salon, barber shop, tailor, dressmaker, shoe repair</u></li> <li>- <u>Laundry or dry cleaning (self service Laundromat or dry cleaning; pick up station with processing done elsewhere)</u></li> <li>- <u>Laundry or dry cleaning with processing on the premises, provided only non flammable solvents are used for cleaning</u></li> <li>- <u>Real estate sales or rental, travel agency, insurance agency, ticket agency</u></li> <li>- <u>Bank or credit union with or without an automatic teller machine but with no drive-up window</u></li> <li>- <u>Photocopying, reproduction and photographic services including commercial photography but not commercial printing</u></li> <li>- <u>Repair of household appliances, small tools or equipment</u></li> </ul>	
<b><u>D. Eating and Drinking</u></b>  <i>(NOTE: Establishments of 1,500 net square feet or less selling specialty foods and providing seating in 15% or less of the gross floor area are permitted under Small Retail and Service Cluster.)</i>	<u>Restaurant (with or without accessory catering of meals for consumption off site)</u>  <u>Fast order food establishment without drive-up service</u>	1,500 n.s.f.
	<u>Bar, tavern, drinking establishment, nightclub, dance hall, entertainment facility</u>	1,500 n.s.f.

**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
<b><u>E. Residential</u></b>	<u>Dwellings, multiple units</u>	<u>0 n.s.f.</u>
	<u>Artist Live/Work Space, multiple units</u>	<u>Except as permitted in AOD</u>
	<u>Home occupation (no additional parking required other than for residential)</u>	<u>by right within existing unit</u>
	<u>Office, within a primary residence (no additional parking required other than for residential)</u>	
<b><u>F. Other Accommodations</u></b>	<u>Hotel / Bed and Breakfast</u> <u>Boarding house/single room occupancy (SRO) building</u> <u>Homeless Shelter</u> <u>Congregate housing</u> <u>Nursing Home</u>	<u>0 n.s.f. unless protected use</u>
<b><u>G. Educational/ Recreational / Institutional Services</u></b>	<u>For-profit school for instruction in arts, skills or vocational training</u> <u>Commercial health, exercise, racquet, swimming, weight reduction, bowling, or similar facility</u> <u>Theater, cinema or other public assembly</u> <u>Library</u> <u>Museum/Gallery</u> <u>Artist Studio</u> <u>Non-profit community center (e.g. YMCA)</u> <u>Private, non-profit club or lodge</u>	<u>5,000 n.s.f.</u>
<b><u>H. Light Industrial</u></b>	<u>Shop and storage facilities for tradesmen</u> <u>Office, yard and storage facilities for construction company such as a general contractor, landscape contractor</u> <u>Commercial ambulance service</u> <u>Taxi service</u> <u>Printing, binding, or related establishment</u> <u>Manufacturing and fabrication, assembly, finishing work without limit as to category or product, provided dust,</u>	<u>5,000 n.s.f.</u>

**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
	<u>fumes, gases, odors, smoke or vapors, noise or vibration are effectively confined to the enclosed building</u> <u>The following may be used as accessory uses only: packaging, bottling, wholesale business and storage, storage warehouse, cold storage building</u> <u>Wholesale business, including office, sales and display space, provided that not more than 25 percent of the gross floor area is used for storage of product, but excluding storage of flammable liquids, gasses or explosives</u> <u>Electrical substations and pumping stations as primary uses provided that they are enclosed and screened</u> <u>Data storage and distribution</u> <u>Switching, relay and telecommunications facilities excluding towers and antennas, etc.</u> <u>Radio and television studio without towers</u> <u>Audio visual studio and production facility</u>	
<b><u>I. Other Uses</u></b>	<u>Wireless Communications Services (SP subject to Article 14 of this Ordinance)</u>	<u>No limit</u>
	<u>Public park, public playground, public recreational area</u>	
	<u>Buildings and uses owned by the City of Somerville</u>	
	<u>Rapid Transit Station</u>	
	<u>Private, non-profit outdoor recreational facility</u>	<u>10,000 g.s.f.</u>
	<u>Parking spaces for car-share or flex-car spaces (may be within an enclosed building or outside (SP for 4 or more spaces))</u>	<u>Up to 3 spaces</u>
	<u>Structured motor vehicle parking where the parking spaces are not accessory to a principal use on the same lot and where no sales and service take place (SP)</u>	<u>0 n.s.f.</u>

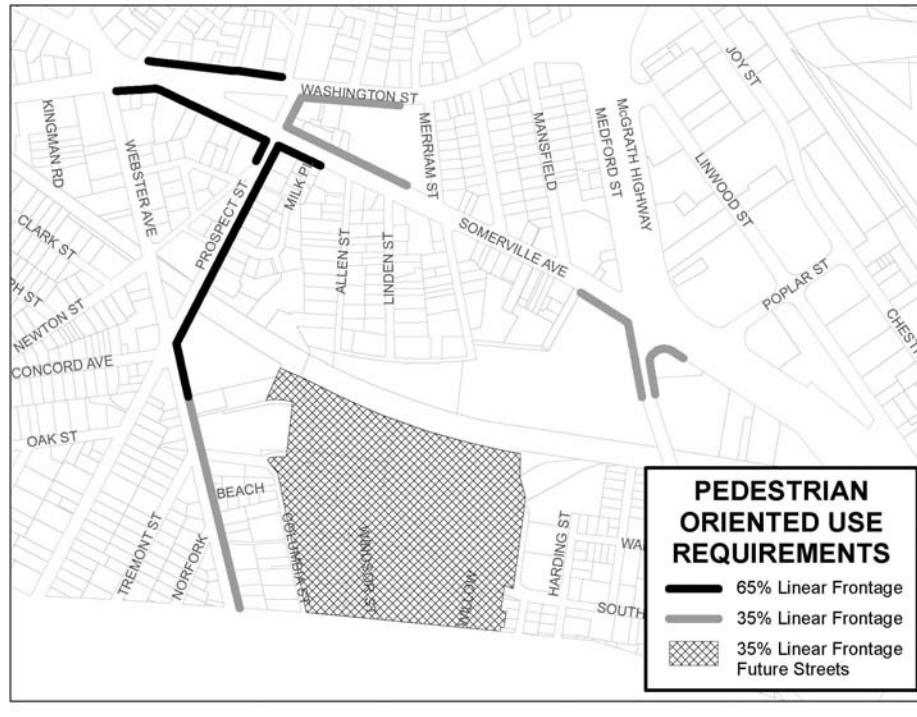
**TABLE 7.13—TABLE OF USE CLUSTERS**

<b><u>Use Cluster</u></b>	<b><u>Principal Uses</u></b> “SP” indicates permit required for any size	<b><u>By-Right Allowance</u></b>
<b><u>J. Protected Uses</u></b>	<u>All religious purposes</u>  <u>All education purposes by a nonprofit educational corporation (including classrooms, laboratories, research centers, auditoria, study halls, libraries, dormitories, housing for students, faculty and staff, campus centers, bookstores, athletic facilities, executive and administrative offices, staff offices, maintenance and service facilities, parking facilities, vehicular ways and pedestrian walkways of a campus, open spaces, and all other elements and features associated with educational institutions)</u>  <u>Child Care Facility (day care center or school age child care program as defined in M.G.L. Ch. 28A, s.9)</u>  <u>Community or Group Residence (as defined in Article 2)</u>	<u>No limit</u>

11. Article 7: Permitted Uses, of the Somerville Zoning Ordinance is hereby amended to add a new Section 7.14, Pedestrian Oriented Use Requirements, as follows (Additions are underlined and deletions are ~~crossed out~~):

1. **Pedestrian Oriented Uses.** Certain Ground Floor uses shall be restricted as shown in Map of Pedestrian Oriented Use Requirements below. The location of these uses within the ground floor frontage may change over time. Where the table requires pedestrian-oriented uses, any combination of the below uses may apply:

- Cluster B uses (Small Retail and Service)
- Cluster C uses (Large Retail and Service)
- Cluster D uses (Eating and Drinking)
- Box office for theatre or cinema
- Park, usable open space
- Rapid transit station
- Municipal facilities



12. Article 8: Dimensional Requirements, Section 8.5 of the Somerville Zoning Ordinance is hereby amended to insert the following language (Additions are underlined and deletions are ~~crossed out~~):

**SECTION 8.5: Table of Dimensional Requirements**

For ~~Dimensional Requirements in the ASMD~~, see Section 6.4.6.

For ~~Dimensional Requirements in the University District~~, see Section 8.7.

~~The regulations for PUD Overlay Districts, see are set forth in Section 16.5.~~

The regulations for Transit Oriented Districts are set forth in, see Section 6.5.

13. Article 8: Dimensional Requirements, Section 8.5 of the Somerville Zoning Ordinance is hereby amended to add a column for CCD which is to be inserted between the existing CBD and BA columns (additions are underlined and deletions are ~~crossed out~~):

		<u>CCD</u>
A.	Minimum lot size (s.f.)	<u>NA</u>
B.	Minimum lot area / dwelling unit	
	1-9 units (s.f.)	<u>600</u>
	10 or more units (s.f.)	<u>600</u>
C.	Maximum ground coverage (%)	<u>80</u>
D.	Landscaped area, minimum percent of lot	<u>10</u>
E.	Floor area ratio (FAR) (2)	<u>3</u>

		<u>CCD</u>
F.	Maximum height, stories/feet (3) stories/ feet	<u>N/A</u> 55 <del>(21)</del>
G.	Minimum front yard (ft)	<u>NA</u>
H.	Minimum side yard (ft)	<u>N/A</u>
I.	Minimum rear yard (ft)	<u>N/A</u>
J.	Minimum frontage (ft)	<u>30</u>

14. Article 9: Off-Street Parking and Loading Section 9.3, Changes in numbers of existing parking or loading spaces, is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

Off-street parking spaces or loading bays that serve a building or use as of the effective date of this Ordinance shall be maintained ~~exclusively~~ for the building, structure, or use, which they were designed to serve, so long as the building, structure or use exists and the parking is required. Such off-street parking spaces or loading bays shall not be reduced in number, ~~leased, sold or changed in location or design in a manner contrary to the requirements of this Article~~, so as to create or increase any degree of nonconformity, but may be shared, leased, rented, or relocated as provided elsewhere in this ordinance for the following purposes:

- a. To enable car sharing as permitted under Section 7.11.11.14.
- b. For any property within the Corridor Commercial District.
- c. For any property within a Transit Oriented District.

15. Article 9: Off-Street Parking and Loading is hereby amended to add new section 9.4.1.e as follows (additions are underlined and deletions are ~~crossed-out~~):

- e) Within the following districts, no additional parking or loading spaces shall be required for any permitted non-residential use within the floor area that lawfully existed, or for which a building permit or special permit was issued, before the first publication of notice of the public hearing on this ordinance on [enter date upon ordination].  
Compliance with parking requirements shall be required for any additions to the building subsequent to this date.
- i. Arts Overlay District
  - ii. Corridor Commercial District

16. Article 9: Off-Street Parking and Loading Section 9.5 Number of Parking Spaces is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

<u>TYPE OF USE</u>	<u>PARKING FACTOR</u>
1) <u>Residential Uses:</u>	(Minimum number of parking spaces to be provided)

<u>TYPE OF USE</u>	<u>PARKING FACTOR</u>
A. Dwelling unit in: single-, two-, or three-family dwelling, townhouses, multiple dwelling building, or mobile home, <u>(including Artist Live/Work Space)</u>	1.0 per efficiency/studio unit or Artist Live/Work Space; 1.5 per unit with 1 or 2 bedrooms; 2.0 per unit with 3 or more bedrooms; unless specified differently elsewhere in this Article plus, in all cases: 1.0 for every 6 units (when 6 or more units) for visitors and/or service vehicles
5) Institutional and Educational Uses:	
i. <u>Artist Studio Space</u>	<u>1 per 400 s.f.</u>

17. Article 9: Off-Street Parking and Loading, Section 9.15 Bicycle Access and Parking is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

#### **9.15.1 Amount of Bicycle Parking.**

##### **A. ~~1. Residential Uses.~~**

In districts other than the Transit Oriented Districts (TODs) and Corridor Commercial District (CCD), for residential uses with ~~For~~

- ~~residential~~ ~~Residential uses with~~ seven (7) dwelling units, one (1) unit of bicycle parking shall be provided.
- ~~For residential uses with~~ more than seven (7) dwelling units, bicycle parking will then be provided at a ratio of one (1) bicycle parking space for every three (3) additional residential units. Any fraction of one half or greater shall require one (1) additional parking space.

Within TODs and CCD, one unit of bicycle parking shall be provided for every two dwelling units.

B. ~~2. Non-residential Uses.~~ ~~—All other uses: bicycle~~ Bicycle parking shall be provided in proportion to the number of off-street parking spaces required by this Article, according to the following Table 1, except that within TODs and CCD, bicycle parking shall be required according to the following Table 2:

Table 1 – Bicycle Parking Requirements

Motor Vehicle Parking Spaces Required* (including existing and new)	Amount of Bicycle Parking Required*
From 1 to 3	0
From 4 to 14	1



From 15 to 200	1 for Every 10 Parking Spaces
201 and above	20 plus 1 for Every 20 Parking Spaces above 200

Table 2 – Bicycle Parking Requirements in Transit Oriented Districts

	Use Cluster	Minimum Bicycle Spaces TOD & CCD
<u>A</u>	<u>Office / R&amp;D Use</u>	<u>1 per 3,000 n.s.f</u>
<u>B</u>	<u>Small Retail and Service (under 1,500 net square feet)</u>	<u>1 per 6,000 n.s.f</u>
<u>C</u>	<u>Large Retail and Service (1,500 net square feet or more)</u>	<u>1 per 5,000 n.s.f</u>
<u>D</u>	<u>Eating and Drinking</u>	<u>1 per 3,000 n.s.f</u>
<u>E</u>	<u>Residential</u>	<u>0.5 per unit</u>
<u>F</u>	<u>Other Accommodations</u>	<u>0.1 per guest room</u>
<u>G</u>	<u>Educational/Recreational/ Institutional Services</u>	<u>1 per 2,500 n.s.f</u>
<u>H</u>	<u>Light Industrial</u>	<u>1 per 5,000 n.s.f</u>
<u>I</u>	<u>Other</u>	<u>None required</u>
<u>J</u>	<u>Protected Uses</u>	<u>See requirements for cluster containing most similar use</u>

\*Any fraction of one half or greater shall require one additional parking space.

18. Article 9: Off-Street Parking and Loading is hereby amended to add Section 9.17 Parking Space and Loading Requirements in the Transit Oriented Districts (TODs) and Corridor Commercial District (CCD) as follows (additions are underlined and deletions are ~~crossed out~~):

**9.17. Parking Space and Loading Area Requirements in the Transit Oriented Districts (TODs) and Corridor Commercial District (CCD).**

The following parking space and loading space requirements supersede the parking space and loading space requirements in Article 9 of this Ordinance. All other requirements of Article 9 shall apply.

**9.17.1. Number of Parking Spaces.**

Except as provided below, all new development in TODs and CCD shall meet the following standards for minimum parking spaces.

	Use Cluster	Minimum Spaces TOD <sup>(1)</sup>	Minimum Spaces CCD
<u>A</u>	<u>Office / R&amp;D Use</u>	<u>1 per 1000 n.s.f</u>	<u>1 per 800 n.s.f</u>
<u>B</u>	<u>Small Retail and Service (under 1,500 net square feet)</u>	<u>1 per 1500 n.s.f<sup>(2,3)</sup></u>	<u>1 per 1500 n.s.f<sup>(2,3)</sup></u>
<u>C</u>	<u>Large Retail and Service (1,500 net square feet or more)</u>	<u>1 per 1000 n.s.f<sup>(3)</sup></u>	<u>1 per 800 n.s.f<sup>(3)</sup></u>
<u>D</u>	<u>Eating and Drinking</u>	<u>1 per 500 n.s.f<sup>(2,3)</sup></u>	<u>1 per 400 n.s.f<sup>(2,3)</sup></u>

	<u>Use Cluster</u>	<u>Minimum Spaces TOD<sup>(1)</sup></u>	<u>Minimum Spaces CCD</u>
<u>E</u>	<u>Residential</u>	<u>1 per unit<sup>(4)(5)</sup></u>	<u>1 per unit<sup>(4)(5)</sup></u>
<u>F</u>	<u>Other Accommodations</u>	<u>0.5 per guest room</u>	<u>0.6 per guest room</u>
<u>G</u>	<u>Educational/Recreational/ Institutional Services</u>	<u>1 per 500 n.s.f</u>	<u>1 per 400 n.s.f</u>
<u>H</u>	<u>Light Industrial</u>	<u>1 per 1500 n.s.f</u>	<u>NA</u>
<u>I</u>	<u>Other</u>	<u>None required</u>	<u>None required</u>
<u>J.</u>	<u>Protected Uses</u>	<u>See requirements for cluster containing most similar use</u>	<u>See requirements for cluster containing most similar use</u>

Footnotes:

1. An additional reduction in parking under Section 9.6.3, Proximity to Rapid Transit or Public Parking, does not apply.
2. Establishments of 1,500 net square feet or less selling specialty foods, and providing seating that occupies 15% or less of the net floor area, are permitted under Use Cluster B (Small Retail and Service).
3. No additional parking shall be required for accessory outdoor uses.
4. For Home Occupation and Office within a primary residence, no additional parking is required other than for residential use.
5. For senior citizen housing, a ratio of 0.40 spaces per unit may be allowed by Special Permit.

**9.17.2. Alteration of Parking and Loading Standards.**

- A. The minimum parking requirements may be reduced by the SPGA for a Development upon submission by the Applicant of a TDM Plan demonstrating that such reduction will not have adverse community impacts. When the use of an existing lot or structure with such reduced spaces allowed by the SPGA is changed to another use listed in Table 7.13, the new use shall provide all the required off-street parking in accordance with the provisions of this ordinance, unless SPGA approval is obtained as described in this section for the new use.
- B. The SPGA may grant a special permit modifying certain parking/loading standards of this Article 9, in order to allow any of the following, provided that the Director of Traffic & Parking approves the request:
  - Modification of parking/loading area design standards
  - Shared driveways and access
  - Parking on a separate lot
  - Shared parking/loading
  - Modification of parking space dimensions
  - Increased number of compact parking spaces, and inclusion of compact parking in lots of fewer than 20 spaces.
- C. Each Development shall be required to include the number of Loading spaces required in Section 9.7 unless a lesser number is approved by the SPGA in consultation with the Director

of Traffic and Parking. In all cases, shared Loading spaces and a reduced number of Loading spaces will be encouraged. However, the Applicant shall be required to submit to the Director of Traffic & Parking a utilization plan that demonstrates the adequacy of the reduced number of Loading spaces based on the proposed uses, operational considerations, and the allocation of Loading spaces across the various Uses and Buildings. The Planning Director, after consultation with the Director of Traffic & Parking, shall make a recommendation to the Planning Board regarding any request for a reduced Loading space requirement.

### **9.17.3. Parking in Structures.**

- A. All parking serving new Buildings in TODs shall be located in structures.
- B. In TODs and the CCD, accessory structured parking shall be excluded for purposes of calculating linkage
- C. In TODs and the CCD, at-grade and/or above-grade structured parking shall be included in the calculation of FAR and below-grade parking meeting the definition of “Basement” shall be excluded.

19. Article 12: Signs, Section 12.3 Signs in Residence Districts is hereby amended as follows (additional are underlined and deletions are ~~crossed-out~~):

In any residence district (RA, RB, and RC), signs are permitted provided they shall conform to the following requirements. Signs for Arts Related Uses located within the Arts Overlay District shall also be subject to the provisions of Section 6.1.23.

20. Article 12: Signs, Section 12.4 Signs in Nonresidential Districts is hereby amended as follows (additional are underlined and deletions are ~~crossed-out~~):

12.4.1. Requirements. In districts other than residence districts, signs are permitted provided that they shall conform to the requirements of subsections (a) through (h) below. Signs located in the Corridor Commercial District or a Transit Oriented District are subject to Section 6.1.22 or Section 6.5.D respectively.

21. Article 13: Inclusionary Housing, Section 13.3.4 is hereby amended as follows (additions are underlined and deletions are ~~crossed-out~~):

Developers shall provide twelve and a half percent (12.5%) of the total units in the subject development as affordable housing units, with the exception that Developers in TODs shall provide affordable housing as shown in Table 6.5.F in Article 6.

22. The Zoning Map of the City of Somerville is hereby amended with the changes shown in the attached maps (Zoning Maps: 14, 15, 17, 18, and 19).

23. Effective Date. The effective date (“Effective Date”) of this Ordinance shall be the date of which it is adopted by the Somerville Board of Aldermen. Notwithstanding the foregoing, this Ordinance shall not apply to any use, structure, or parking proposal for which, prior to the Effective Date, the applicant had applied (a) to the Inspectional Services Department for a building permit, or (b) to the SPGA for a Special Permit (“SP”) or Special Permit with Site Plan Review (“SPSR”); but rather, the validity of the building permit, SP, or SPSR, even if granted after the Effective Date, shall be governed by the zoning in effect immediately prior to the Effective Date.

ARLINGTON

MEDFORD

CAMBRIDGE

BOSTON

Open Space

**zoning overlays**

Waterfront Overlay District

Height Overlay District - 70'

PUD-A

PUD-B

PUD-B1

Arts Overlay District

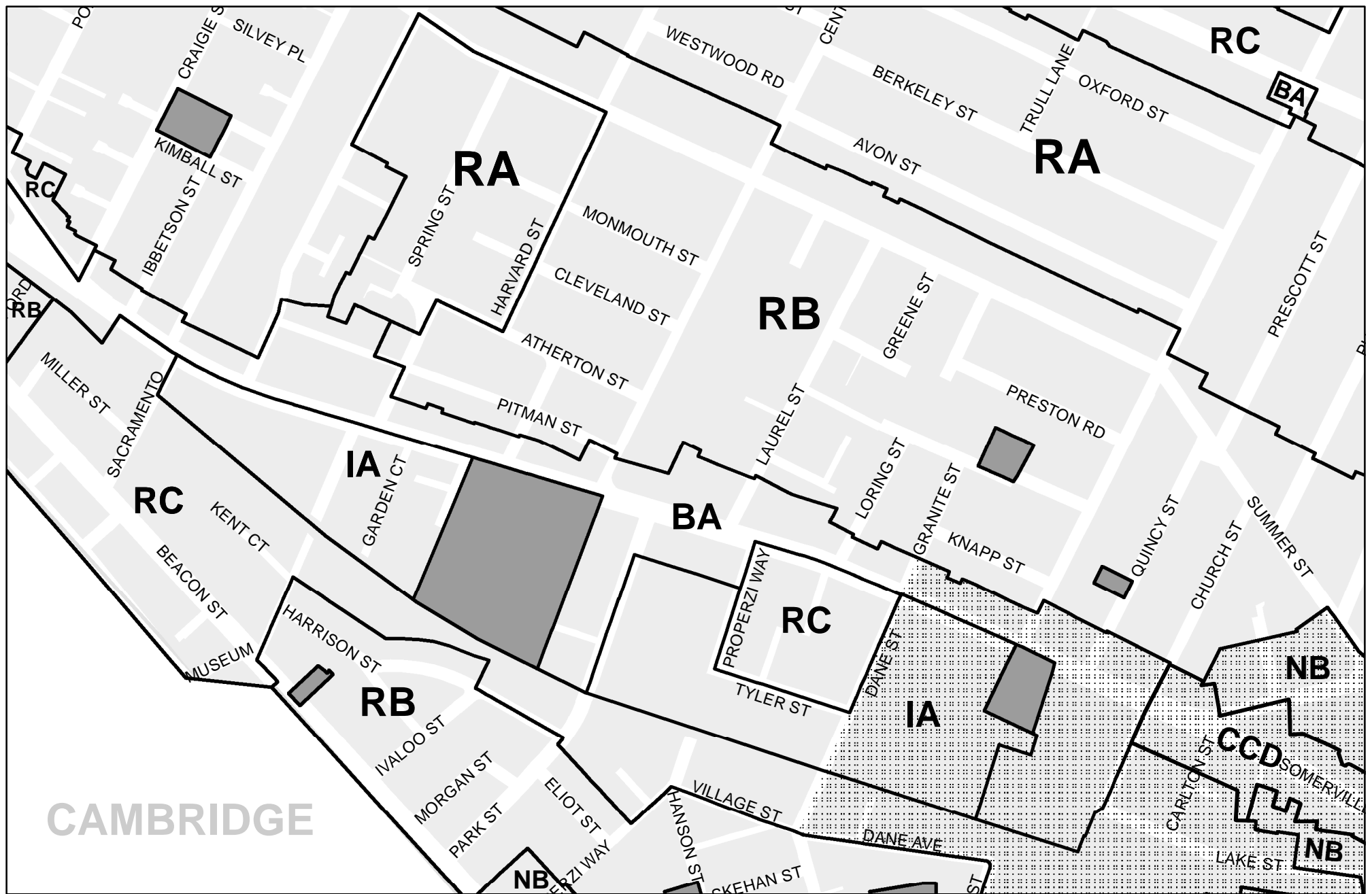
Floodplain Overlay District - See FEMA Flood Insurance Rate Maps

# CITY OF SOMERVILLE MASSACHUSETTS ZONING MAP

To determine exact boundary lines in relation to specific parcels contact the City of Somerville Planning Department.



Prepared by the Somerville Planning Department  
Amended April 23, 2009  
Drawn April 23, 2009










# CITY OF SOMERVILLE **ZONING MAP** **SECTION 14**

Prepared by the Somerville Planning Department  
 Amended April 23, 2009  
 Drawn April 23, 2009

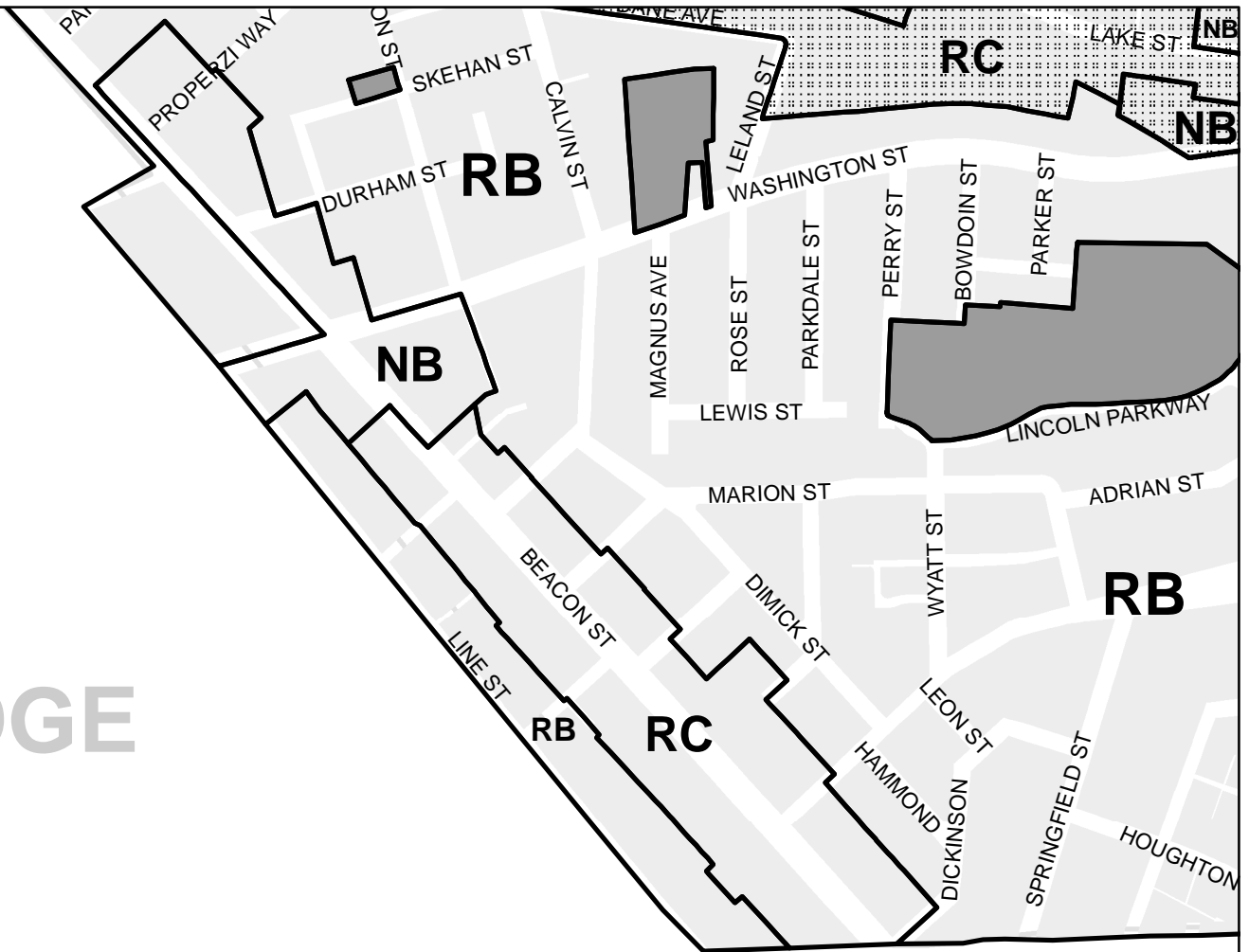
	Open Space
	Arts Overlay District
	Waterfront Overlay District
	Height Overlay District - 70'
	PUD-A
	PUD-B
	PUD-B1
	Floodplain Overlay District - See FEMA Flood Insurance Rate Maps



Prepared by the Somerville Planning Department  
Amended April 23, 2009  
Drawn April 23, 2009

-  Open Space  
 Arts Overlay District  
 Waterfront Overlay District  
 Height Overlay District - 70'  
 PUD-A  
 PUD-B  
 PUD-B1  
 Floodplain Overlay District - See FEMA Flood Insurance Rate Maps

CAMBRIDGE

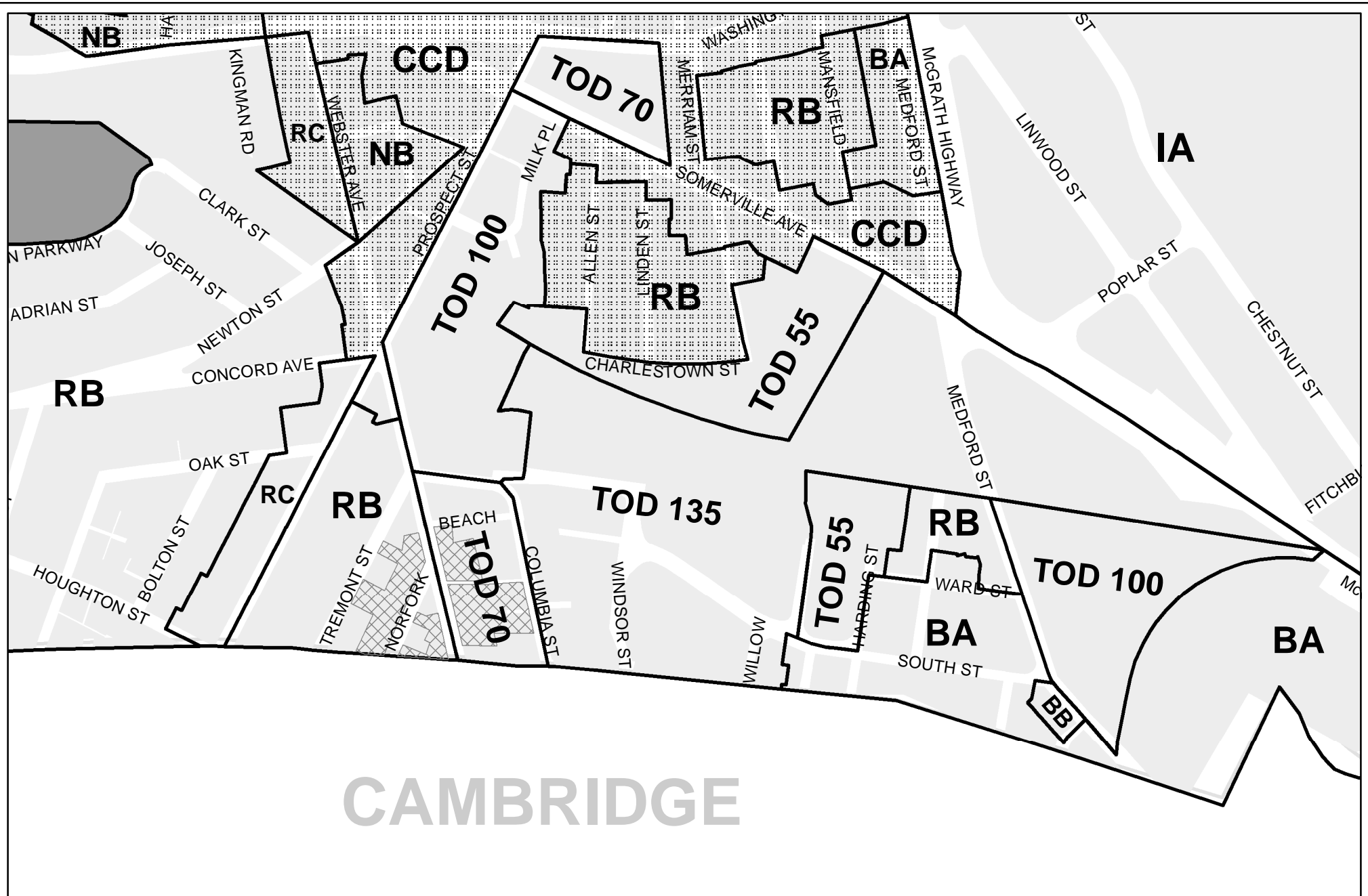


# CITY OF SOMERVILLE **ZONING MAP** **SECTION 17**

Prepared by the Somerville Planning Department  
 Amended April 23, 2009  
 Drawn April 23, 2009

	Open Space
	Arts Overlay District
	Waterfront Overlay District
	Height Overlay District - 70'
	PUD-A
	PUD-B
	PUD-B1
Floodplain Overlay District - See FEMA Flood Insurance Rate Maps	





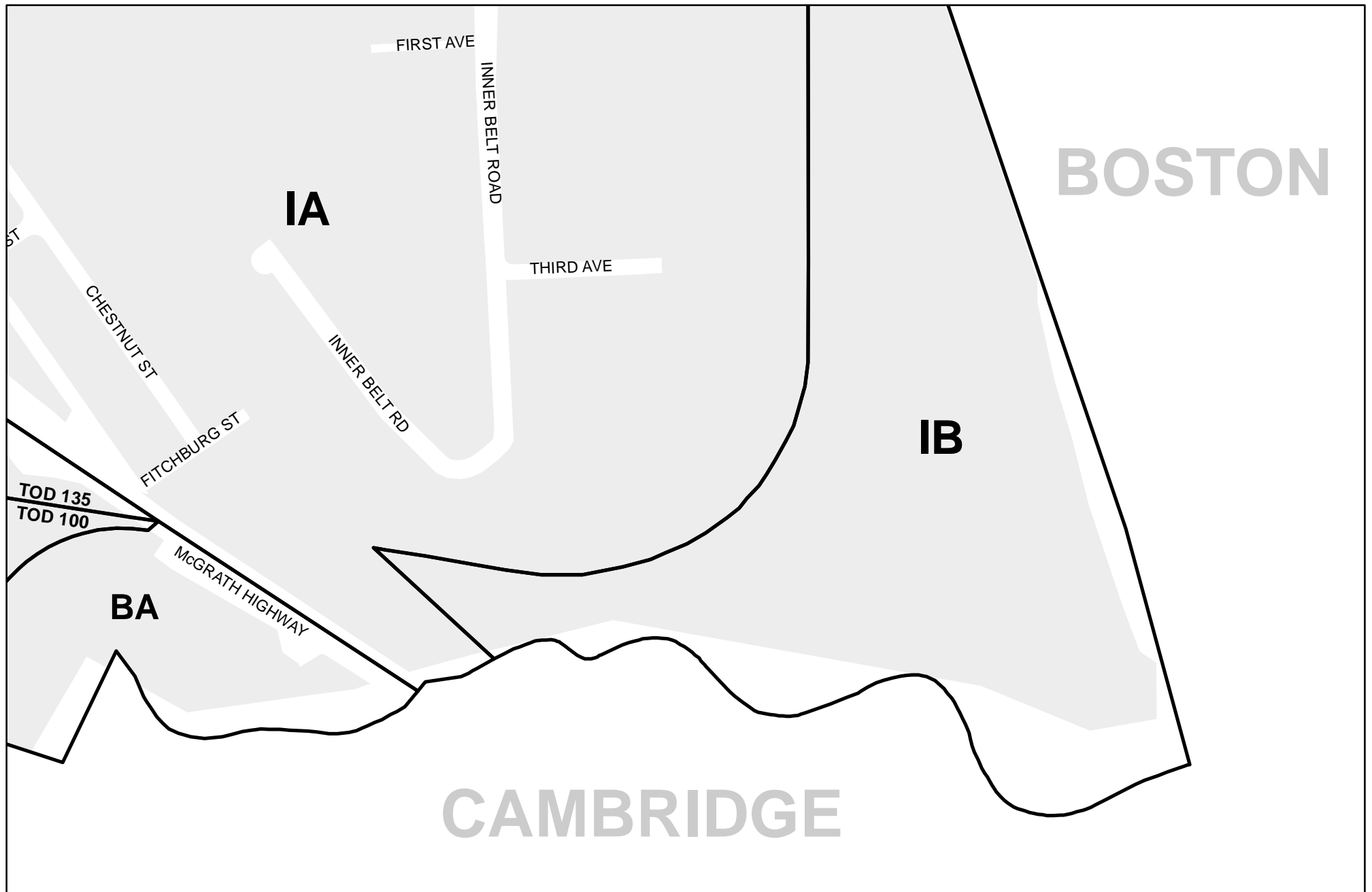
CITY OF SOMERVILLE  
**ZONING MAP**  
**SECTION 18**

**Pedestrian Overlay**  
 (See Section 7.14)

Prepared by the Somerville Planning Department  
 Amended April 23, 2009  
 Drawn April 23, 2009

	Open Space
	Arts Overlay District
	Waterfront Overlay District
	Height Overlay District - 70'
	PUD-A
	PUD-B
	PUD-B1
	Floodplain Overlay District - See FEMA Flood Insurance Rate Maps

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CITY OF SOMERVILLE  
**ZONING MAP**  
**SECTION 19**

Prepared by the Somerville Planning Department  
 Amended April 23, 2009  
 Drawn April 23, 2009

	Open Space
<b>zoning overlays</b>	
	Waterfront Overlay District
	Height Overlay District - 70'
	PUD-A
	PUD-B
	PUD-B1
Floodplain Overlay District - See FEMA Flood Insurance Rate Maps	

**L**